UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,405	09/10/2003	Thami Smires	A-8196. RNFMP/bh	2238

7590 01/09/2008 HOFFMAN, WASSON & GITLER, PC Suite 522 2361 Jefferson Davis Highway Arlington, VA 22202	**EXAMINER** MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
3692	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/658,405	SMIRES ET AL.
	Examiner	Art Unit	
	Susanna M. Diaz	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *04 October 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This final Office action is responsive to Applicant's response filed October 4,

2007.

   Claims 2-10 have been added.

   Claims 1-10 are presented for examination.

Response to Declaration under 37 C.F.R. 131

2.   The declaration filed on October 4, 2007 under 37 CFR 1.131 has been

considered but is ineffective to overcome the Kim reference.

   The evidence submitted is insufficient to establish a reduction to practice of the

invention in this country or a NAFTA or WTO member country prior to the effective date

of the Kim reference. While the cited articles serve as evidence that most of the

features of claim 1 were reduced to practice prior to Kim's earliest priority date of July

22, 2002, the cited articles do not disclose the claimed feature of "allowing the merchant

associated with each of the point-of-sale terminal devices to...[alter] the transactions."

As a matter of fact, the declaration under 37 C.F.R. 1.131 has referred to the limitation

in question as stating, "allowing the merchant associated with each of the point of sale

terminal devices to view their respective transactions as well as authoring the

transactions." The word "authoring" is not claimed. While the Examiner agrees that the

cited references used to establish reduction to practice explain that a merchant can

view pending transactions, there is no mention of allowing the merchant to actually alter

the transactions via the website nor is such a feature deemed inherent to the CHARGE

ANYwhere software, as disclosed in these articles.

Also, Examiner notes that, as per MPEP § 2144.03(C), the statements of Official

Notice made in the art rejection have been established as admitted prior art since

Applicant has not traversed the Examiner's assertions of Official Notice. More

specifically, the following statements of Official Notice are now formally established on

record as admitted prior art:

Official Notice is taken that it is old and well-known in the art of communications

to allow a merchant to communicate via a website. The use of the Internet and

websites to communicate information reaps the benefit of relatively inexpensive, quick,

and efficient global communications.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim

et al. (US 2005/0071512 A1) in view of Hutchison et al. (US 2005/0102188 A1).

Kim discloses a system for controlling the processing of credit card and debit

card transactions, between various types of point-of-sale terminal devices initiating the

transactions transmitted ultimately to a plurality of credit card processors through a

plurality of gateway networks, comprising:

[Claim 1]   a credit card server in communication with the plurality of gateways and

the credit card processors, said credit card server receiving a credit card or debit card

transaction request from the point-of-sale terminal devices through the plurality of

gateway networks, said credit card server processing the transaction and sending the

transaction to any of the credit processors (Kim (PG Pub): Figs. 1-3; ¶¶ 9, 18, 24, 25;

Kim (Provisional Application No. 60/397,737): Figs. 1-3; Abstract; ¶¶ 4-7, 14, 15, 17, 20,

21);

a database connected to said credit card server for maintaining and reading

information relating to the transactions and the point-of-sale terminal devices (Kim (PG

Pub): ¶¶ 24-30 – The fact that the software automatically knows which data to gather

and formats it according to the specific payment method selected means that the

corresponding data fields and formatting information are stored in a database; i.e., a

collection of data; Kim (Provisional Application No. 60/397,737): ¶¶ 15-22 -- The fact

that the software automatically knows which data to gather and formats it according to

the specific payment method selected means that the corresponding data fields and

formatting information are stored in a database, i.e., a collection of data);

[Claim 6]   wherein information included in the transaction is authenticated by said

credit card server (¶¶ 24-31);

[Claim 9]   a plurality of credit card processors in connection with said credit card

server (¶¶ 24-31);

[Claim 10]   wherein said credit card server is provided with a decision table used to

decide which of said plurality of credit card processors would receive a particular

transaction (¶¶ 24-31 – The API transmits the inputted information to the proper

payment gateway, putting all information into the proper format for the respective

payment gateway).

Regarding claim 1, Kim does not expressly teach that said credit card server

communicating with the terminal devices indicates the disposition of each of the

transactions; however, Hutchison processes payment transactions through payment

gateways and sends a transaction settlement result back to the seller's computer (e.g.,

a point-of-sale terminal) (Fig. 35; ¶ 133). Both Kim and Hutchison are directed toward

processing customer (i.e., user)-seller (i.e., merchant) payment transactions through

payment gateways; therefore, the Examiner submits that it would have been obvious to

one of ordinary skill in the art at the time of Applicant's invention to modify Kim such that

said credit card server communicating with the terminal devices indicates the disposition

of each of the transactions in order to clearly make the sellers/merchants aware of

whether or not the user/customer is financially reputable and approved for a particular

financial transaction, thereby protecting the sellers/merchants from fraudulent

purchases (as suggested in ¶ 9 of Hutchison).

Regarding claims 1-3, Kim does not expressly disclose a transaction manager

connected to said credit card server for managing a website allowing the merchant

associated with each of the point-of-sale terminal devices to view their respective

transactions as well as altering the transactions (claim 1), wherein a display is

associated with the point-of-sale terminal devices, allowing the merchants to view their

respective transactions (claim 2) in real time (claim 3); however, Hutchison allows a

seller to access transaction settlement reports via a Web browser (Figs. 33-35, 40; ¶¶

46, 133, 138). The ability to view such reports more conveniently assists a seller in

judging the current state of their business, which implies access to real time data (¶

138). Both Kim and Hutchison are directed toward processing customer (i.e., user)-

seller (i.e., merchant) payment transactions through payment gateways; therefore, the

Examiner submits that it would have been obvious to one of ordinary skill in the art at

the time of Applicant's invention to modify Kim to include a transaction manager

connected to said credit card server for managing a website allowing the merchant

associated with each of the point-of-sale terminal devices to view their respective

transactions (claim 1), wherein a display is associated with the point-of-sale terminal

devices, allowing the merchants to view their respective transactions (claim 2) in real

time (claim 3), in order to more conveniently assist a seller/merchant in judging the

current state of their business (as suggested in ¶ 138 of Hutchison), which is important

when trying to maintain the financial health of a business at least at acceptable levels

for the survival of a business. Additionally, while Hutchison does not expressly teach

that the merchant can alter the transactions via a website, Hutchison does allow the

sellers to access transaction reports via a Web browser (Figs. 33-35, 40; ¶¶ 46, 133,

138) and sellers can respond to charge disputes raised by sellers (¶ 134). The

administrative computer used by a customer service representative to enter refund or

chargeback information agreed to by a seller can be entered via a Web browser (¶ 134), i.e., the seller can alter the transaction. While Hutchison does not explicitly teach that the seller completes the alteration of transactions via a website, Hutchison's sellers access transaction information via a merchant website (Figs. 33-35, 40), thereby indicating that Hutchison envisions the use of a website to communicate information to a seller. Official Notice is taken that it is old and well-known in the art of communications to allow a merchant to communicate via a website [admitted prior art]. The use of the Internet and websites to communicate information reaps the benefit of relatively inexpensive, quick, and efficient global communications [admitted prior art]. Both Kim and Hutchison are directed toward processing customer (i.e., user)-seller (i.e., merchant) payment transactions through payment gateways; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim and the related Kim-Hutchison combination such that the transaction manager connected to said credit card server for managing a website allows the merchant associated with each of the point-of-sale terminal devices to alter the transactions in order to more conveniently assist a seller/merchant in judging the current state of their business (as suggested in ¶ 138 of Hutchison) while promoting good customer service by allowing the merchant to quickly and efficiently respond to customer concerns related to financial transactions, all of which are important when trying to maintain the financial health of a business at least at acceptable levels for the survival of a business.

Regarding claims 4, 5, and 8, Kim does not expressly disclose the use of

encryption or decryption; however, Hutchison encrypts and decrypts data via the seller

server and gateway "for greater security" (¶¶ 72, 78). This concept is extremely old and

well-known in the art of information security, thereby yielding predictable improvements

in data security, which further supports Examiner's assertion that encryption and

decryption of any type of important data is generally an obvious improvement over

unencrypted data transmissions (see *KSR International Co. v. Teleflex, Inc.*, 82

USPQ2d 1385 (U.S. 2007)). Therefore, the Examiner submits that it would have been

obvious to one of ordinary skill in the art at the time of Applicant's invention to modify

Kim to encrypt and decrypt transmitted data, wherein at least one of the point-of-sale

terminal devices encrypt information transmitted over said gateway networks (claim 4),

said encrypted information is decrypted by said credit card server (claim 5), and said

credit card server would encrypt at least a portion of the information included in the

transactions prior to entering this information in said database (claim 8), in order to

promote greater security of all transmitted information.

Regarding claim 7, Kim's payment gateways collect information regarding a

credit card expiration date in order to process a transaction (¶¶ 26, 27, 31; Tables A and

B). The payment processor processes the information to approve or deny the

requested transaction (¶ 31). While Kim does not explicitly disclose that the credit card

server denies a transaction if said information included in the transaction is incorrect,

based upon date provided in said database, Official Notice is taken that it was old and

well-known in the art of credit card transactions at the time of Applicant's invention to

deny a credit card transaction if a credit card is expired or if the inputted credit card

expiration date is incorrect. These practices are performed for security purposes.

Therefore, the Examiner submits that it would have been obvious to one of ordinary skill

in the art at the time of Applicant's invention to modify Kim such that the credit card

server denies a transaction if said information included in the transaction is incorrect,

based upon date provided in said database, in order to reduce the likelihood of

fraudulent credit card transactions.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-
6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

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Susanna M. Diaz
Primary Examiner
Art Unit 3692

January 7, 2008